



[Billing Code 3510-GT]

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement (NAFTA), Article 1904 Binational Panel

Reviews

AGENCY: NAFTA Secretariat, United States Section, International Trade

Administration, Department of Commerce

ACTION: Notice of Decision of Panel

SUMMARY: On May 11, 2012, the binational panel issued its decision in the review of the final results of the 2005/2006 antidumping administrative review made by the U.S. Department of Commerce, respecting Carbon and Certain Alloy Steel Wire Rod from Canada, NAFTA Secretariat File Number USA-CDA-2008-1904-02. The binational panel affirmed in part and remanded in part the U.S. Department of Commerce's determination. Copies of the panel decision are available from the U.S. Section of the NAFTA Secretariat.

FOR FURTHER INFORMATION CONTACT: Ellen M. Bohon, United States

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SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the Federal Register on February 23, 1994 (59 FR 8686). The panel review in this matter has been conducted in accordance with these Rules.

PANEL DECISION: On May 11, 2012, the panel affirmed the U.S. Department of Commerce's final results of the administrative review determining that the Complainant's sales were made at the same level of trade. The panel remanded to the U.S. Department of Commerce to provide a thorough explanation, keyed to the "otherwise contrary to law" standard of review, of the statutory interpretation underlying its approach of granting offsets for non-dumped sales in original investigations, while denying such offsets in administrative reviews. The panel directed Commerce to provide such explanation within 45 days of the date of issue of the panel's Decision and Order (June 25, 2012).

\_\_\_\_ May 15, 2012 \_\_\_\_\_

Date

Ellen M. Bohon  
U.S. Secretary  
NAFTA Secretariat

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